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8 *The Bank of New York, as Trustee for the*
9 *Certificateholders of CWALT, Inc., Alternative*
10 *Loan Trust 2005-1CB, Mortgage Pass-Through*
11 *Certificates, Series 2005-1CB*

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 THE BANK OF NEW YORK MELLON FKA
15 THE BANK OF NEW YORK, AS TRUSTEE
16 FOR THE CERTIFICATEHOLDERS OF
17 CWALT, INC., ALTERNATIVE LOAN
18 TRUST 2005-1CB, MORTGAGE PASS-
19 THROUGH CERTIFICATES, SERIES 2005-
20 1CB,

21 Plaintiff,

22 vs.

23 JEAN BIRMINGHAM, MORTGAGE
24 ELECTRONIC REGISTRATION SYSTEMS,
25 INC., SFR INVESTMENTS POOL 1, LLC,
26 PEARL COVE II HOMEOWNERS
27 ASSOCIATION, DOE INDIVIDUALS I-X,
28 inclusive; and ROE CORPORATIONS I-X,
inclusive,

Defendants.

Case No.: 2:17-cv-01030-MMD-EJY

**STIPULATION AND ORDER TO
CONTINUE STAY OF PROCEEDINGS**

(SECOND REQUEST)

AKERMAN LLP

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SFR INVESTMENTS POOL 1, LLC,
Counter/Crossclaimant,

vs.

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWALT, INC., ALTERNATIVE LOAN
TRUST 2005-1CB, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2005-
1CB; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC. as nominee
beneficiary for MIRAD FINANCIAL GROUP;
JEAN BIRMINGHAM, an individual,

Counter/Crossdefendants.

The Bank of New York Mellon, fka The Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-1CB, Mortgage Pass-Through Certificates, Series 2005-1CB (**BoNYM**), Pearl Cove II Homeowners Association (**HOA**), and SFR Investments Pool 1, LLC (**SFR**), by and through their respective counsel of record, stipulate and agree to stay proceedings for an additional 90 days. In support of such stipulation, the parties represent as follows:

1. On February 11, 2020, BoNYM and SFR filed a notice of settlement. (ECF No. 111).
2. As part of the notice, the parties agreed to stay the litigation for 90 days to allow time for SFR to perform a condition precedent to the agreement.
3. The parties further agreed to the stay to allow BoNYM and the HOA to continue exploring the potential for settlement.
4. Since the court entered the initial stay, BoNYM and the HOA reached an agreement, which they are working to finalize.
5. On May 18, 2020, the parties stipulated to continue the litigation stay for an additional 90 days, which the court granted on May 19, 2020.
5. BoNYM and SFR, however, need additional time for performance of the condition precedent to the parties' settlement.

6. The parties therefore agree to stay proceedings for an additional 90 days, with leave to ask the court to reinstate the parties' respective summary judgment motions within 7 days of the date the stay is lifted.

Dated this 24th day of August, 2020.

<p>AKERMAN LLP</p> <p><u>/s/ Nicholas E. Belay, Esq.</u> NATALIE L. WINSLOW, ESQ. Nevada Bar No. 12125 NICHOLAS E. BELAY, ESQ. Nevada Bar No. 15175 1635 Village Center Circle, Suite 200 Las Vegas, Nevada 89134</p> <p><i>Attorneys for The Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-1CB, Mortgage Pass-Through Certificates, Series 2005-1CB and Mortgage Electronic Registration Systems, Inc.</i></p>	<p>Hall Jaffe & Clayton, LLP</p> <p><u>/s/ Ashlie L. Surur, Esq.</u> ASHLIE L. SURUR, ESQ. Nevada Bar No. 11290 7425 Peak Drive Las Vegas, Nevada 89128</p> <p><i>Attorneys for Pearl Cove II Homeowners Association</i></p>
<p>KIM GILBERT EBRON</p> <p><u>/s/ Chantel M. Schimming</u> Chantel M. Schimming, ESQ. Nevada Bar No. 8886 7625 Dean Martin Drive, Suite 110 Las Vegas, Nevada 89139</p> <p><i>Attorneys for SFR Investments Pool 1, LLC</i></p>	

No further stay will be granted, given the lengths of the stay granted to date.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

Case No.: 2:17-cv-01030-MMD-EJY

DATED: August 24, 2020